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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,043	12/12/2000	Matthew W. Mengerink	2766-101	3510

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EXAMINER

PHILLIPS, HASSAN A

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SR

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/734,043	MENERINK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hassan Phillips	2151	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is in response to amendments received on May 24, 2004.

### ***Drawings***

1. After consideration of the amendments to the drawings, which replaced reference number "130" with reference number "180", the examiner has withdrawn the objection to the drawings.

### ***Response to Arguments***

1. Applicant's arguments filed May 24, 2004 have been fully considered but they are not persuasive. Applicant argues on page 6, paragraph 6, that Fleskes fails to disclose, teach, or suggest the following feature:

- a) "a web page-forming component for forming the personal web page incorporating one or more of the features of the web site in response to an input provided by the user via the Internet, said personal web page comprising a private component accessible only by the user and a public component accessible to anyone, wherein the user's input determines which of the features appear in the private component and which of the features appear in the public component."

Examiner respectfully submits that Applicant has misinterpreted the prior art of record.

Regarding item a), Fleskes teaches a web page-forming component for forming the personal web page incorporating one or more of the features of the web site in response to an input provided by the user via the Internet, in col. 3, lines 8-17. In the teachings of Fleskes, although the information used to create the web page is stored in a database, it is received as input provided by a user via the Internet and is used to form a web page by incorporating one or more features of the web site such as the models, or predetermined templates provided by the web site.

Fleskes also teaches the personal web page comprising a private component accessible only by the user and a public component accessible to anyone, wherein the user's input determines which of the features appear in the private component and which of the features appear in the public component, in col. 20, lines 24-29.

Furthermore, the Examiner has interpreted the claim language as broadly as possible. It is also the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in a manner that distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterated the need for Applicant to define the claimed invention more clearly and distinctly.

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Accordingly the references supplied by the examiner in the first office action covers the claimed limitations. The rejections are thus sustained. Newly added claims 13-16, have been considered in light of the previous rejections as follows. Applicant is requested to review the prior art of record for further consideration.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 6, 7, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Fleskes, U.S. Patent 6,529,910.

3. In considering claim 1, Fleskes discloses a system for allowing a user to customize an Internet web site having predetermined features, the system comprising:

- a) a server that is connected to the Internet and that controls the web site, (col. 6, lines 47-55, also see Fig. 1);

- b) a web page forming component 26, for forming a personal web page incorporating one or more predetermined features in response to an input provided by the user via the Internet, (col. 3, lines 8-17, also see Fig. 1);
- c) a personal web page comprising a private component accessible only by the user and a public component accessible to anyone, wherein the user's input determines which of the features appear in the private component and which of the features appears in the public component, (col. 13, lines 16-21).

4. In considering claim 3, the system of Fleskes further comprises a single action component, wherein the user may add one or more web site features to the personal web page with a single action, (col. 10, lines 13-16).

5. In considering claim 4, the system of Fleskes further comprises an annotation component that allows the user to create and store a comment related to one of the features in the personal web page, such that the comment may be later accessed, (col. 10, lines 20-23).

6. In considering claim 6, the web page-forming component disclosed in the system of Fleskes further comprises a construction component to guide the user through the formation of the personal site, (col. 10, lines 5-7).

7. In considering claim 7, the system of Fleskes further comprises a tracking component that changes the personal web page to reflect changes in the web site, (col. 2, lines 54-60, and col. 3, lines 8-17).

8. Claims 8, 10-12, are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Fleskes.

9. In considering claim 8, Fleskes discloses a method for allowing a user to customize an Internet web site having particular features, the method comprising:

- a) connecting to a server via the Internet to access the web site, (col. 6, lines 47-55, also see Fig. 1);
- b) providing an input to the web site via the Internet, wherein said input initiates a web page forming component 26, for forming a personal web page incorporating one or more predetermined features in accordance with the input (col. 3, lines 8-17, also see Fig. 1);
- c) a personal web page comprising a private component accessible only by the user and a public component accessible to anyone, wherein the input determines which of the features appear in the private component and which of the features appears in the public component, (col. 13, lines 16-21).



10. In considering claim 10, the method of Fleskes further comprises a single action component, wherein the user may add one or more web site features to the personal web page with a single action, (col. 10, lines 13-16).

11. In considering claim 11, the method of Fleskes further comprises an annotation component that allows the user to create and store a comment related to one of the features in the personal web page, such that the comment may be later accessed, (col. 10, lines 20-23).

12. In considering claim 12, the method of Fleskes further comprises the step of automatically updating the personal web page, (col. 10, lines 38-44).

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleskes, and further in view of Hickman, U.S. Patent publication 2002/0033564.

3. In considering claim 2, although the system of Fleskes shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) providing biographical information on the user to be included in the public component.

Nevertheless, providing biographical information on a user to be included in a web page that may be viewed by the public would have been well known in the art at the time the invention was made. This concept is demonstrated in Hickman. The system of Hickman discloses a telephone user that can create web pages comprising:

- a) providing biographical information on the user in a web page that may be viewed by other individual users, (page 6, paragraph 68).

Thus, it would have been apparent to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Fleskes with Hickman to have the user provide biographical information to be included in the public component. This would have allowed the public to verify that the information displayed on the web site is coming from a reliable source, Hickman, page 6, paragraph 68, Fleskes, col. 12, lines 46-54. Therefore, the claimed invention (claim 2) would have been an obvious modification of the methods disclosed by Fleskes in view of Hickman.

4. In considering claim 5, although the system of Fleskes shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) allowing a third party to access the public component from the web site in a single action.

Nevertheless, allowing a third party to access a public component from a web site in a single action would have been well known in the art at the time the invention was made. This concept is demonstrated in Hickman. The system of Hickman discloses a telephone user that can access a web server 28 comprising:

- a) allowing an individual to access a public component on the web server by means of a hyperlink included on the home page, (page 6, paragraph 68).

Thus, it would have been apparent to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Fleskes, col. 20, lines 24-29, with Hickman to have a third party access the public component from the web site in a single action, or by means of a hyperlink. This would have provided an efficient means for the public to access the public component of the web page. Therefore, the claimed invention (claim 5) would have been an obvious modification of the methods disclosed by Fleskes in view of Hickman.

5. Claim 9, is rejected under 35 U.S.C. 103(a) as being unpatentable over Fleskes, and further in view of Hickman.

6. In considering claim 9, although the method of Fleskes shows substantial features of the claimed invention, it fails to explicitly disclose:

- a) providing biographical information on the user to be included in the public component.

Nevertheless, providing biographical information on a user to be included in a web page that may be viewed by the public would have been well known in the art at the time the invention was made. This concept is demonstrated in Hickman. The system of Hickman discloses a telephone user that can create web pages comprising:

- a) providing biographical information on the user in a web page that may be viewed by other individual users, (page 6, paragraph 68).

Thus, it would have been apparent to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Fleskes with Hickman to have the user provide biographical information to be included in the public component. This would have allowed the public to verify that the information displayed on the web site is coming from a reliable source, Hickman, page 6, paragraph 68, Fleskes, col. 12, lines 46-54. Therefore, the claimed invention (claim 9) would have been an obvious modification of the methods disclosed by Fleskes in view of Hickman.

7. Claims 13-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fleskes.

8. In considering claims 13-16, although the method of Fleskes shows substantial features of the claimed invention, it fails to explicitly disclose linking back to the web site in the features of the public component.

Nevertheless, linking back to a web site was well known in the art at the time of the present invention. This concept was often used in web sites by users who

requested certain information by clicking on a link in the web site and being relocated from one portion of the web site to another portion in the web site.

Thus, it would have been apparent to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Fleskes (col. 20, lines 24-29), to show the features that appear in the public component linking back to the web site. This would have allowed users viewing the public component to utilize the features in the public component to link back to the web site in order to view certain areas of the web site that the user may have been interested in, Fleskes, col. 6, lines 51-55.

### ***Conclusion***

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP/  
7/6/04



**FRANTZ B. JEAN**  
**PRIMARY EXAMINER**